

Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)

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Amendment of Section 73.202(b),)

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MM Docket No. 01-141

Table of Allotments,)

)

RM-10146

FM Broadcast Stations.)

)

(Las Vegas and Pecos, New Mexico))

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REPORT AND ORDER
(Proceeding Terminated)

Adopted: October 31, 2001

Released: November 9, 2001

By the Chief, Allocations Branch:

1. The Allocations Branch has before it the Notice of Proposed Rule Making in this proceeding, 16 FCC Rcd 13046 (2001), issued in response to a petition filed on behalf of Meadows Media, LLC ("petitioner"), permittee of FM Station KTRL, Channel 275C2, Las Vegas, New Mexico, proposing the substitution of Channel 275C3 for Channel 275C2 at Las Vegas, the reallocation of Channel 275C3 to Pecos, New Mexico, as that community's second local FM service, and modification of Station KTRL's authorization accordingly. Additionally, Channel 283C2 was proposed at Las Vegas as a replacement for Channel 275C2, as requested by the petitioner. Supporting comments were filed by the petitioner in response to the Notice. No other comments were received.

2. Petitioner's request was filed pursuant to the provisions of Section 1.420(i) of the Commission's Rules which permits the modification of a station authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest. See Modification of FM and TV Authorizations to Specify a New Community of License ("Change of Community R&O"), 4 FCC Rcd 4870 (1989), recon. granted in part ("Change of Community MO&O"), 5 FCC Rcd 7094 (1990). The requested allotment of Channel 275C3 to Pecos (pop. 1,012)¹ is mutually exclusive with its existing authorization at Las Vegas (pop. 14,753). The distance between the two communities is 32.5 kilometers (20 miles) whereas a distance of 177 kilometers (110 miles) is required in this instance.

3. Additionally, the Notice announced that the proposed reallocation would provide a first competitive local FM service to Pecos, without depriving Las Vegas, New Mexico, of local aural transmission service.² Moreover, the reallocation would enable Station KTRL to increase the degree

¹ Population figures reported herein were taken from 1990 U.S. Census data.

² Las Vegas will continue to receive local service from two AM stations, as well as four FM stations. Additionally, Channel 224A was allotted to Las Vegas, New Mexico, in MM Docket No. 00-85, and remains subject to the opening of a filing window. See 15 FCC Rcd 17321 (2000).

of service within its primary service area to 78,862 persons in an area of 4,803 square kilometers.³ Additionally, as previously determined, Pecos is not located within an urbanized area, nor will the projected 70 dBu contour at Pecos cover any such area. Additionally, the proposed allotment of Channel 283C2 at Las Vegas will provide a new FM service to 53,945 persons and an area of 1,286 square kilometers.

4. In consideration of the above, we believe that the public interest would be served by substituting Channel 275C3 for Channel 275C2 at Las Vegas, reallocating Channel 275C3 to Pecos, New Mexico, and modifying the authorization for Station KTRL, as requested. This will enable Station KTRL to increase its potential service area, as well as provide Pecos with its first competitive FM service, and will not deprive Las Vegas of local service. Additionally, we allot Channel 283C2 to Las Vegas, as that community's fifth local FM service, as requested.

5. Channel 275C3 can be allotted to Pecos at the petitioner's specified site located 15.5 kilometers (9.6 miles) southwest of the community, at coordinates 35-40-15 NL and 105-33-06 WL. Channel 283C2 can be allotted to Las Vegas, New Mexico, at a site located .36 kilometers (.2 miles) northeast of the community at coordinates 35-35-37 NL and 105-12-12 WL.⁴

6. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective December 24, 2001, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to the communities listed below, as follows:

<u>City</u>	<u>Channel No.</u>
Las Vegas, New Mexico	224A, 244A, 251C, 264C3, 283C2
Pecos, New Mexico	268C3, 275C3

7. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the authorization of Meadows Media, Inc. for Station KTRL (BMPH-19991220ACQ, modifying permit No. BPH-19960829MG), IS MODIFIED to specify operation on Channel 275C3 at Pecos, New Mexico, in lieu of Channel 275C2 at Las Vegas, New Mexico, subject to the following conditions:

³ As stated in the Notice, petitioner avers that the reallocation will enable it to provide service to 97,398 persons within an area of 5,278 square kilometers, resulting an increase of 77,199 persons over its presently authorized facilities.

⁴ The site specified for Channel 283C2 at Las Vegas, New Mexico, represents the currently authorized site of Station KTRL.

- (a) Within 90 days of the effective date of this Order, the permittee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and
- (c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

8. Pursuant to Commission Rule Section 1.1104(1)(k) and (3)(m), any party seeking a change in community of license of a television or FM allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Meadows Media, Inc., permittee of Station KTRL(FM), is required to submit a rule making fee in addition to the fee required for the applications to effect the change in community of license at Pecos, New Mexico.

9. A filing window for Channel 283C2 at Las Vegas, New Mexico, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

10. IT IS FURTHER ORDERED, That the Commission's Office of Public Affairs, Reference Operations Division, SHALL SEND a copy of this Order to the following:

Meadows Media, Inc.
1704 B Llano #194
Santa Fe, New Mexico 87505.

11. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

12. For further information concerning the reallocation, contact Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 283C2 at Las Vegas, New Mexico, should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

**John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau**